

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OSCAR RENE ORELLANA IZAGUIRRE,
Plaintiff,
v.
PROSPER BUILDERS, INC., et al.,
Defendants.

Case No. 23-cv-00316-SVK

**ORDER TO SUBMIT ADDITIONAL
INFORMATION IN SUPPORT OF
RENEWED MOTION FOR DEFAULT
JUDGMENT**

Re: Dkt. No. 30

The Court requires additional information for its evaluation of Plaintiff's renewed motion for default judgment (Dkt. 30). Accordingly, by **December 8, 2023**, Plaintiff must submit a supplemental declaration and additional information as follows:

1. The Complaint refers to various amounts paid to Plaintiff in connection with his employment with Defendants. *See, e.g.*, Dkt. 1 (Complaint) ¶ 26 ("Plaintiff was paid his wages on a daily basis; he was paid \$1,200.00 per week, or \$17.14 per hour until the end of his employment."); *id.* ¶ 40 ("For all his work, Defendants had agreed to pay Plaintiff \$1,200.00 per week [8 full weeks and two partial ... weeks]. For the last 10 weeks of work, Defendants in fact paid \$300 to Plaintiff for Plaintiff's work."); *id.* at Ex. A (chart showing wages of \$300 paid for the week of 9/4/2022). The chart submitted with Plaintiff's renewed motion for default judgment (Dkt. 30) does not disclose what, if any, amounts were paid by Defendants to Plaintiff. Plaintiff's supplemental declaration must identify all wages paid by Defendants to Plaintiff. Together with the supplemental declaration of Plaintiff, Plaintiff must provide a chart that contains at least the following information:

Work week (e.g., 7/17/22)	Total Hours Worked	Wages Paid
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- 1 2. Plaintiff claims wages owed for rest and meal break violations, but his declaration
2 simply asserts a legal conclusion that he is owed for such violations. Neither his
3 declaration nor Exhibit B to his declaration attest to the number of work days on
4 which rest and meal break violations occurred. *See* Dkt. 30 at Ex. B. That
5 information must be included in Plaintiff's supplemental declaration.
- 6 3. Similarly, Plaintiff's declaration asserts a legal conclusion that he is owed
7 \$4,000.00 for wage statement violations. Dkt. 30 at PDF p. 9 (¶ 10). His
8 declaration does not attest that Defendants failed to provide him with wage
9 statements as required under the California Labor Code. The section of the
10 Complaint concerning wage statement violations appears to be cut and pasted from
11 a separate case involving a class action. *See* Dkt. 1 ¶¶ 80-85. Under these
12 circumstances, Plaintiff's supplemental declaration must contain facts establishing
13 that wage statement violations occurred.

14 **SO ORDERED.**

15 Dated: November 17, 2023

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17 SUSAN VAN KEULEN
18 United States Magistrate Judge